

DISCUSSION OF THE AMENDMENT

A brief description of the drawing section, and such a brief description, has been inserted in the specification, as supported in the specification at the paragraph bridging pages 6 and 7.

Claim 1 has been amended by reciting that no dried air is blown into the reaction medium to remove water or compound (III) therefrom. The amendment is inferentially supported in the specification at page 1, line 26 through page 2, line 22, which describes disadvantages of WO 00/63149 (Holstock et al), which disadvantages include unacceptable yield losses due to reducing the water content of the product by blowing through dried air, together with the description of the present invention, which contains no such step.

New Claims 7-11 have been added. Claims 7 and 8 are supported in the specification at page 5, lines 16-20. Claims 9-11 are supported in the specification at page 7, line 29 through page 8, line 15.

No new matter is believed to have been added by the above amendment. Claims 1-11 are now pending in the application.

REMARKS

The rejection of Claims 1 and 4-6 under 35 U.S.C. § 102(b) as anticipated by Holstock et al, is respectfully traversed. A discussion of the deficiencies of Holstock et al has been discussed above in the “Discussion of the Amendments” section. Thus, the presently-claimed invention distinguishes Holstock et al based on the above-discussed amendment to Claim 1. In addition, Claim 1 requires that the ratio of compound II to water be between 1:1 and 1:3. Holstock et al does not disclose any such ratio, or any effort to control the amount of water used in their process. Indeed, water is not even disclosed explicitly as part of the disclosed process therein, which is simply disclosed as contacting a compound of formula II therein with an immobilized acid (page 4, line 27 through page 5, line 8). While the use of water is disclosed in the example therein (page 19, line 17), it is present in an amount of 640 ml to 2000 ml of (2,2-dimethyl-1,3-dioxolan-4-yl) methylmethacrylate (GMAK), which provides a ratio of water to GMAK of 1:3½, which is outside the terms of the present claims.

For all the above reasons, it is respectfully requested that this rejection be withdrawn.

The rejection of Claims 1-6 under 35 U.S.C. § 103(a) as unpatentable over Holstock et al in view of WO 03/006417 (Schmitt et al), is respectfully traversed.¹

The disclosures and deficiencies of Holstock et al have been discussed above. The Examiner relies on Schmitt et al for its disclosure of tocopherol compounds for purposes of color stabilization. However, even if Schmitt et al were combined with Holstock et al, the result would still not be the presently-claimed invention.

For all the above reasons, it is respectfully requested that this rejection be withdrawn.

The objection to the specification is now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that the objection be withdrawn.

¹ Neither Schmitt et al, nor its U.S. equivalent, i.e., US 7,002,035, has been made of record. The Examiner is respectfully requested to make Schmitt et al of record on the appropriate PTO form with the next Office communication.

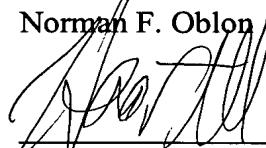
Application No. 10/567,361
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All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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